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NOTABLE STATE & FEDERAL CASES

Mr. Lepisco is a seasoned litigator and has acted as legal counsel in the following precedent-setting cases in state and federal appellate courts, including the U.S. Supreme Court:

SB Liberty, LLC v. Isla Verde Association, Inc., 217 Cal.App.4th 272 (2013) (Establishes that California Home Owners Associations may exclude non-managing members of limited liability companies from HOA meetings).

Serafin v. Superior Court (Riverside), California Court of Appeal, Fourth District, Division Two No. E056868 (September 18, 2012) (Represented proponents of a ballot initiative that was removed from the ballot for the

November 6, 2012, General Election. The Court of Appeal issued a unanimous 3-0 decision placing the initiative back on the ballot for the November 2012 General Election).

Guatay Christian Fellowship v. County of San Diego, 670 F.3d 957 (9th Cir. December 23, 2011) (Represented small country church, the Guatay Christian Fellowship, in the 9th Circuit Court of Appeals regarding constitutional issues raised under county land use regulations and the federal Religious Land Use and Institutionalized Persons Act).

Baldwin v. Sebelius, et al., 654 F.3d 877 (9th Cir. 2011) (Represented former California Assemblyman Steve Baldwin and the Pacific Justice Institute in the 9th Circuit Court of Appeals regarding a constitutional challenge to the Individual Mandate section of President Obama's Health Care bill).

Trunk v. City of San Diego, et al., 629 F.3d 1099 (9th Cir. 2011) (Represented Pacific Justice Institute in the 9th Circuit Court of Appeals regarding the constitutionality of the Mount Soledad National Veterans War Memorial in San Diego, California).

Christian Legal Society v. Martinez, et al., 561 U.S. 661 (2010) (Represented Pacific Justice Institute in the U.S. Supreme Court regarding speech restrictions on university sponsored and financed student organizations and associations).

Newdow v. Rio Linda Union School District, 597 F.3d 1007 (9th Cir.2010) (Represented Pacific Justice Institute in the 9th Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance, which the 9th Circuit upheld as constitutional).

Trunk v. City of San Diego, et al., 568 F.Supp.2d 1199 (S.D.Cal. 2008) (Part II: Upholding as constitutional the Mount Soledad National Veterans War Memorial, which has a Latin Cross as part of its fully integrated memorial; represented Pacific Justice in U.S. District Court).

Trunk v. City of San Diego, et al., 547 F.Supp.2d 1144 (S.D.Cal. 2007) (Part I: Article III Standing Issue leading to dismissal of City of San Diego; represented Pacific Justice in U.S. District Court regarding Mount Soledad National Veterans War Memorial, which has a Latin Cross as part of its fully integrated memorial).

Staley v. Harris County, Texas (5th Cir.2007) 485 F.3d 305 (represented Pacific Justice Instituted in the 5th Circuit Court of Appeals regarding the constitutionality of a Bible Monument displayed at Harris County Civil Courthouse).

Metropolitan Water District v. Campus Crusade for Christ (2007) 41 Cal.4th 954 (represented Pacific Justice Institute in the California Supreme Court regarding issue relating to the deprivation of the right to a jury trial in an eminent domain case).

O’Toole v. Superior Court (San Diego Community College District) (2006) 140 Cal.App.4th 488 (case relating to free speech and assembly issues on college campus).

McCreary County v. ACLU of Kentucky, 545 U.S. 844 (2005) (“*McCreary*”) and ***Van Orden v. Perry***, 545 U.S. 677 (2005) (“*Van Orden*”) (represented Pacific Justice Institute in the U.S. Supreme Court regarding the Kentucky and Texas Ten Commandments cases, respectively).

Elk Grove Unified School District v. Newdow, 542 U.S. 1 (2004) (represented Pacific Justice Institute in the Pledge of Allegiance case before the U.S. Supreme Court).

Lockyer v. City and County of San Francisco (2004) 33 Cal.4th 1055 (represented California State Senators and Assembly Members in the San Francisco Marriage cases before the California Supreme Court).

Costco Companies, Inc. v. Gallant (2002) 96 Cal.App.4th 740 (freedom of speech and petition case relating to California Supreme Court decision in *Robins v. Pruneyard* (1979) 23 Cal.3rd 899).

San Diego Unified Port District v. U.S. Citizens Patrol (1998) 63 Cal.App.4th 964 (freedom of speech case relating to political speech at the San Diego International Airport).

Springfield v. San Diego Unified Port District (So.Dist.Cal.1996) 950 F.Supp. 1482 (freedom of speech case relating to religious speech at airports).

San Diego County Gun Rights Committee v. Reno (9th Cir.1996) 98 F.3rd 1121 (constitutional challenge to 1994 Crime Bill’s firearms ban based on 2nd and 9th Amendments, and Interstate Commerce Clause in light of U.S. Supreme Court decision in *United States v. Lopez*, 514 U.S. 549 (1995)).

San Diego County Gun Rights Committee v. Reno (So. Dist. Cal. 1996) 926 F. Supp. 1415 (constitutional challenge to firearms ban in 1994 Crime Bill).

Council for Life Coalition v. Reno (So. Dist. Cal. 1996) 856 F. Supp. 1422 (constitutional challenge under 1st Amendment (free speech and association), Interstate Commerce Clause, and Due Process Clause to 1994 Freedom of Access to Clinic Entrances Act).

Pinnock v. International House of Pancakes (So. Dist. Cal. 1993) 844 F. Supp. 574, *cert. den.* 114 S. Ct. 2726 (1994) (constitutional challenge to public accommodations section of the Americans with Disabilities Act based on the Interstate Commerce Clause, Doctrine of Separation of Powers, Due Process (retroactive legislation, void for vagueness, and over-broad), and 10th Amendment).
